IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3376 OF 2004

Shashikant Laxman Prabhu ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.Shashikant Laxman Prabhu, Applicant present in-person.

Ms.M.M.Deshmukh, A.P.P. for Respondent No.1.

Ms.Manisha Narendra Deshpande, Respondent No.2 present in-person.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 16, 2005.

P.C.

1. This Application questions the correctness of the view expressed by the Revisional Court in its order dated 3rd June 2003, which in turn, rejected the discharge application preferred by the Applicant. In my opinion, the reasons recorded by the Revisional Court in its order dated 3rd June 2003 are just and proper and for which reason, the

discharge application has been rightly rejected.

2. To get over this position, the Applicant Mr.Shashikant Laxman Prabhu who appears in-person, contends that there is no documentary evidence on record to support the case made out in the complaint.

3. For the time being, suffice it to observe that the Court below has adverted to the allegations in the complaint as well as statements made by the concerned witnesses. I see no infirmity in the view expressed by the lower Court that the nature of evidence or material on record is sufficient to proceed against the Applicant. Whether to accept the evidence as produced, is a matter within the discretion of the Trial Court. In other words, there is no basis to discharge the present Applicant. Hence, this Application should fail. Ordered accordingly.

A.M.KHANWILKAR, J.